IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4202 of 2004

Between:

1 Anam Associates M.4481/1, Rep. by Managing Partner,
Gamani Venkata Ravichandra S/o. Raju, Vissakoderu Palem
Palakoderu Mandal, West Godavari District.
2 Gamini Raju S/o. Satyanarayanan
R/o. Venkatarama Talkies Road, Bhimavaram-1 W.G. District.
3 Gamini Venkata Ravichandra S/o. Raju
R/o. D.No.22-12-13-2, Venkaiah Naidu Street, Bhimavaram, W.G. District.
4 Gamini Venkata Satyanarayana S/o. raju
Vishnupriya Jewellers, Venkatarama Talkies Road Bhimavaram-1 W.G.District.
5 Anam Mrtutyamjaya Rao S/o. Dana Rao,
R/o. Dr.No.21-7-4, Venkateswara Colony Near: Telecommunications Office, Palakol, W.G Dist.
6 Annam Venkata Siva Vara Prasad S/o. A.Mrutyamjaya Rao
Near: Telecommunications Oflfice, Palakol, W.G. District.
7 Annam Krishnakanth S/o. Divakar
R/o. Door No.21-7-4, Venkateswara Colony Near: Telecommunications Oflfice, Palakol, W.G.District.

..... PETITIONERS

AND

1 The Union of India represented by its Secretary Ministry of Law, Shastri Bhavan, R.P. Road New Delhi.
2 ING VYSYA Bank Limited, Bhimavaram Branch Door No.22-16-72, Near Mavulamma Temple, Rest
House Road, Bhimavaram, West Godavari District, represented by its Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue appropriate writ, order or direction, more particularly one in the nature of writ of mandamus declaring, the provisions of Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as unconstitutional and Violative of Article 14 of the Constitution of India and consequentially, to declare that the noltices dated 11-2-2004 issued by the respondent No.2 to the Respondents as illegal and to direct the respondents herein to act in accordance with the law and not further proceed consequent to the notice Dated:11-2-2004.

W.P.M.P.NO. 5518 of 2004

Petition under Section 151 CPC praying the High Court to grant stay of all further proceedings pursuant to the notice dated 11.2.2004 issued by the respondent No.2 under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, pending W.P. No. 4202 of 2004 on the file of the High Court.

For the Petitioner: MR.D.RAMALINGA SWAMY Advocate.

For the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

For the Respondent No. 2: Mr. Addepalli Suryanarayana, Advocate.

The Court Made the Following :
ORAL ORDER (Per Hon'ble The Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed. W.P.M.P.

also stands dismissed.

DEVINDER GUPTA, CJ

G. ROHINI, J.

23rd day of June, 2004
pnb

To

1. The Secretary, Ministry of Law, Shastri Bhavan, R.P. Road, New Delhi
2. The Manager, ING Vysya Bank Ltd, Bhimavaram Branch D.No. 22.16.72, Near Mavullamma Temple, Rest House Road, Bhimavaram, W G Dt.
3. Two C.D. Copies.